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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|-----------------------|---------------------|------------------|
| 09/845,595 | 04/30/2001 | Jody Francis Powlette | PROP 98-001C | 3840 |
| 53666 | 7590 | 06/29/2005 | EXAMINER | |
| BRAKE HUGHES PLC | | | SAX, STEVEN PAUL | |
| c/o PORTFOLIOIP | | | ART UNIT | PAPER NUMBER |
| c/o PORTFOLIOIP, P.O. BOX 52050 | | | | |
| MINNEAPOLIS, MN 55402 | | | 2174 | |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/845,595 | POWLETTE | |
| | Examiner | Art Unit | |
| | Steven P Sax | 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 3/14/05
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 69-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 75-82 and 89-93 is/are allowed.
- 6) Claim(s) 69-74 and 83-88 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This application has been examined. The amendment filed 3/29/05 has been entered. Claims 69-74 and 83-88 have been cancelled.

2. The indicated allowability of claims 75-82 is withdrawn in view of the newly discovered reference(s) to Pacifici et al. Rejections based on the newly cited reference(s) follow.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 75-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al (6343314) and Pacifici et al (6230171).

5. Regarding claim 75, Ludwig et al show a system running a program which: retrieves chart data in graphical form within a window on a display for viewing by a user of the system (Figure 2B, column 6 lines 30-60), permits a user to add visual annotations to the chart data including descriptive labels (Figure 2B, column 26 lines 30-50, claim merely recites "at least ... and/or descriptive labels," so only this need be

shown to anticipate this feature), permits the user to capture the annotations in permanent form (column 26 lines 50-67, column 27 lines 1-30). The program operates in a browser program (Figures 2A, 8A for example). Ludwig et al do not specifically mention that the browser interacts using hypertext protocol with world wide web accessible internet servers, but do mention using Wide Area Networks (WAN) for access to a wide variety of data servers. Furthermore, Pacifici et al show using the world wide web accessible internet servers, interacting with a browser via hypertext protocol, for access to a wide variety of data servers (abstract, Figure 2, column 4 lines 15-40). It would have been obvious to a person with ordinary skill in the art to use world wide web accessible internet servers, interacting with a browser via hypertext protocol, in Ludwig et al, for convenient access to a wide variety of data servers. Ludwig et al show that trend lines may be drawn by a user to connect data items (Figures 2B, 36, 37, for example). Ludwig et al do not specifically mention that the program is implemented using java applets or bring out the specific details of the annotation data directly created within the browser with the modified data file opening in the applet and browser program, but do mention convenient methods to retrieve and present data from a server. Furthermore, Pacifici et al show implementing java applets to retrieve and present data from a server with annotation data directly created within the browser, and with the modified data file opening in the applet and browser program (column 5 lines 35-60, column 10 lines 40-65), for convenient methods to retrieve and present data from a server. It would have been obvious to a person with ordinary skill in the art to implement java applets in Ludwig et al, with annotation data directly created within the

browser, and with the modified data file opening in the applet and browser program, for convenient retrieval and presentation of data from a server.

5. Regarding claims 76-77, Pacifici et al show compressing the annotation data into a GIF format before it is transmitted (column 10 lines 40-65).

6. Regarding claim 78, the annotation data is specified by a user using a mouse to modify the chart data (see column 26 lines 30-65 and column 27 lines 1-15, and also the use of the mouse in those passages and throughout Ludwig et al).

7. Regarding claim 79, Ludwig et al show historical price information related to a commodity (such as real estate) (Figure 37, column 38 lines 44-50).

8. Regarding claim 80, the visual annotations are captured in a form suitable for printing or storing as a data file even if the program does not have access to data file resources in the system (Ludwig et al column 36 lines 47-67).

9. Regarding claim 81, the script program is executed at the remote server to convert and store the modified data file (Ludwig et al column 4 lines 30-51).

10. Regarding claim 82, the modified data file is opened within a second display window separate from the first display window (Ludwig et al column 25 lines 20-45 for example, Figures 2A, 40, 41).

11. Claims 89-93 are allowable over the prior art of record. These claims being out the specific Java applet direct implementation of the historical stock annotation system. Furthermore, there are no double patenting concerns with U.S. Patent 6489954 (Powlette) as the present claims distinguish over the claims of that patent. The '954 patent is also excluded as prior art due to the filing date of the present invention.

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note however that the 101 rejection has been overcome.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

